

CAPITAL GROUP COMMUNICATIONS,
INC., No. C-07-3632 EMC

No. C-07-4470 EMC

Plaintiff,

V.

GOTTAPLAY INTERACTIVE, INC., et al.

Defendants.

No. C-07-3632 EMC

No. C-07-4470 EMC

**ORDER DENYING COLONIAL STOCK
TRANSFER'S EX PARTE
APPLICATION FOR ORDER
SHORTENING TIME; AND SETTING
BRIEFING SCHEDULE FOR
COLONIAL STOCK TRANSFER'S
MOTION FOR DISCHARGE**

COLONIAL STOCK TRANSFER.

Plaintiff.

V.

GOTTAPLAY INTERACTIVE INC *et al*

Defendants.

plaintiff in Case No. C-07-4470, the interpleader from liability in that case. Colonial now asks that the “on the ground that a swift hearing on the issue at [it] may be exposed to multiple liabilities with claims.” Ex Parte App. at 2.

According to counsel for Colonial, both Gottaplay Interactive, Inc. and Capital Group Communications, Inc., the defendants in the interpleader action, have agreed to a hearing on shortened time. However, counsel's declaration was not signed under penalty of perjury and now

1 counsel for Capital Group has submitted a declaration -- which was signed under penalty of perjury -
2 - stating that no agreement to shortened time was ever made. *See* Donner Decl. ¶ 3. The Court
3 therefore turns to the merits of the request for shortened time.

4 The only reason offered by Colonial in support of its request for shortened is that Colonial
5 fears it may be exposed to multiple liabilities. But that is the case in any interpleader action and
6 there is no rule that requires expedited consideration of interpleader actions or motions filed therein.
7 Moreover, Capital Group is contesting Colonial's right to interplead and therefore it is more
8 appropriate for the Court to consider the issue on a regularly noticed schedule.

9 Accordingly, the Court hereby **DENIES** Colonial's request for shortened time. Colonial's
10 motion for discharge shall be heard on October 24, 2007, at 3:00 p.m. The opposition shall be filed
11 by October 3, 2007, and the reply by October 10, 2007.

12 Capital Group has indicated that it intends to move to dismiss Colonial's interpleader action.
13 In the interest of efficiency, the Court directs that, if Capital Group wishes to do so, then it should
14 also designate its opposition to Colonial's motion for discharge as a cross-motion to dismiss the
15 interpleader action. Colonial's opposition to the cross-motion to dismiss should then be filed on
16 October 10, 2007, and Capital Group's reply on October 17, 2007.

17 This order disposes of Docket No. 21 in Case No. C-07-3632 EMC and Docket No. 13 in
18 Case No. C-07-4470 EMC.

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20 IT IS SO ORDERED.
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22 Dated: September 19, 2007
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EDWARD M. CHEN
United States Magistrate Judge

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